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| 09/735,790 | 12/14/2000 | Kenneth S. Ramey | 85773-213 | 5442 |
| 33000 | 7590 | 06/08/2004 | EXAMINER | |
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| | | | ART UNIT | PAPER NUMBER |

2664

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,790

Applicant(s)

RAMEY, KENNETH S.

Examiner

John L Shew

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31 is/are allowed.
- 6) ☒ Claim(s) 1-30,32-45 and 49-54 is/are rejected.
- 7) ☒ Claim(s) 46-48 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/14/2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: FIG. 1 missing reference character "10" to identify PBX system as described on page 7 line 23.
2. FIG. 3 reference character "12" to identify PBX is inconsistent with the specification page 9 line 4 which specifies reference character "10".
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because FIG. 4A reference character "40" has been used to designate both "Gateway Adaptor" and "Packet Network And Network Services Interface".
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: FIG 6 reference character "54" for control unit is not shown as mentioned in specification page 11 lines 22.

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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

Claim Objections

5. The following is a quotation of 37 CFR 1.75(c):

One or more claims may be presented in dependent form, referring back to and further limiting another claim or claims in the same application.

Claims 39 and 42 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 32 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 32 line 13-14 cites "said interface means" is indefinite in regards to referencing PBX interface means or network interface means.

Claims 39 and 40 are dependent upon each other. There is insufficient antecedent basis for claim 39. Claim 40 is indefinite due to lack of antecedent basis for claim 39.

Claim 41 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 41 is dependent on claim 40 which is subsequently dependent on claim 39 which is indefinite.

Claim 42 recites the limitation "An apparatus as defined" in claim 43. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 16, 18, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Ford.

Claims 1, 18 and 32, Ford teaches a gateway adapter (FIG. 1) referenced by Internet Phone Server 10, including a PBX interface for connection to a PBX circuit switched system entity to communicate with the PBX system entity using a PBX protocol (FIG. 1, column 3 lines 35-38) referenced by Interface Card 20 connecting to PBX 12 using PBX protocol, the PBX system entity establishing a functional domain within which call session can originate (TABLE 1) referenced by telephone numbers domain of outgoing calls, and terminate (TABLE 2) referenced by telephone numbers domain of incoming calls, a network interface for communicating with a packet switched network entity (FIG. 1) referenced by LAN card 30 in communication to a packet-based LAN 32, establishing a packet switched network domain (FIG. 1) referenced by Router 32 in communication with the Internet domain, an interoperation functional unit associated with said PBX interface and network interface (FIG. 1) referenced by DSP Card With Internet Compression 24, being operative to effect manipulations on data received by PBX interfaces and the packet switched network entity to allow the PBX system and packet switched network to interoperate (column 4 lines 11-38) referenced by DSP filtering of analog voice to digital packets for the Internet, said PBX system connected to a plurality of telephone terminals (FIG. 1) referenced by telephones 14 and keysets 16, said

gateway adapter allowing at least one of the telephone terminals to establish a call session with a remote entity residing in a packet switched network (FIG.1, column 3 lines 22-29) referenced by Internet Phone Server 11 establishing calls between a PBX and a remote entity on the Internet .

Claim 2, Ford teaches the PBX protocol is a protocol for circuit-switched PBX system entity (column 3 lines 22-27) referenced by PBX T1 trunk lines which is well known in the art are TDM circuit-switched lines.

Claim 3, Ford teaches a PBX system entity has a plurality of trunk ports and gateway adapter being operative to simultaneously maintain a plurality of media signals exchange transactions with the PBX domain through respective external telephone line ports (FIG. 2, column 4 lines 46-50) referenced by Trunk Lines 11 supporting simultaneous calls on incoming lines.

Claims 4 and 5, Ford teaches a gateway adapter is operative to control data in the PBX protocol output from PBX interface (FIG. 2, column 6 lines 28-31) referenced by the use of E and M signaling or an analog trunk line for control data used on Trunk Lines 11 connecting to a PBX.

Claims 6-8 and 9, Ford teaches an interoperation functional unit including a plurality of media gateways (FIG. 2) referenced by one or more Voice Compression Packetization

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units 24, each media gateway being operative to convert media signals received from the packet switched network in a format suitable for application to one of the external telephone line ports (column 4 lines 11-26) referenced by DSP complex filtering and manipulation of digital packets to/from analog voice signals to the PBX, with the media signals from the packet switched network include data packets (column 4 lines 51-67) referenced by HDLC or RTP packets containing data, wherein each media gateway converts media signals at one of the external trunk telephone line ports into data packets suitable for transmission through the packet switched network (column 4 lines 11-18, lines 35-38) referenced by DSP manipulation of T1 media voice signal information into packets for transmission over the Internet WAN.

Claim 16, Ford teaches a gateway adapter operative to maintain a plurality of call sessions simultaneously (FIG.2, column 4 lines 46-49) referenced by supporting up to 24 simultaneous calls on incoming lines 11, each call session having media signals traveling on a path that extends outside the functional domain of the PBX system entity (TABLE 1) referenced by outgoing calls to different area codes representing functional domains outside the PBX system entity, said gateway adapter being operative to direct the media signals of a selected call session from the plurality of call sessions to a certain telephone terminal (TABLE 2) referenced by the select destination telephone terminals to which the call is directed.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12, 19-25, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford as applied to claims 1-9, 16, 18 and 32 above, in view of Chimura et al. Ford teaches a PBX to Internet calling system. Ford does not teach a remote network services unit to provide call-processing services for the call session. Chimura teaches remote network services unit (Fig. 7) referenced by Domain Name Server 16 residing in the Internet packet switched network, responsive to communication control data to manage a call session involving the PBX system entity (column 3, lines 25-39) referenced by requesting the IP address translation of the second media gateway to which the PBX call will connect through, providing call-processing services for the call session (column 3, lines 39-42) referenced by connection request from gateway 1 to gateway 2 via the control line, wherein the call session has a flow of media signals in part in dependence upon the communication control data from the network services unit (column 3, lines 42-58, column 4, lines 1-2) referenced by establishment of the call session and transfer of media speech data from the first telephone to the second telephone. Ford teaches address translations performed within the Internet Phone Server unit instead of an external DNS unit. Such a system would require each Internet

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Phone Server units to carry identical translations databases. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a remote Domain Name Server of Chimura for the purpose of one common centralized address translation database in the internet calling system of Ford.

Claims 13-15, 26-28, 33-38, 43-45, 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford and Chimura as applied to claims 1-12, 16, 18-25, 29 and 32 above.

Claims 13-15, 26-28, 33-38, 43-45, 49-52, 54 Ford further teaches an interoperation functional unit including a device emulator (FIG. 2) referenced by Telecom Interface 20 which emulates standard telephone interface, operative to communicate with a network services unit through emulation of a device different from said gateway adapter (FIG. 2) referenced by the Address Translations Databases 56 and 58 for telephone digit to IP address translations which can reside on a remote DNS server as suggested by Chimura, wherein the device different from said gateway adapter is a telephone terminal of a first type (FIG. 1) referenced by Telephone Terminal 14, the PBX entity is adapted to connect to a telephone terminal of a second type (FIG. 1) referenced by Keyset 16.

Claims 17, 30, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford and Chimura as applied to claims 1-16, 18-29, 32-38, 43-45, 49-52 and 54 above, and in further view of Korpi et al. Ford teaches a PBX to Internet calling system. Chimura teaches a DNS server to resolve IP addresses for packet routing. Ford and Chimura

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does not teach a call conferencing system. Korpi teaches a gateway adapter responsive to a control signal from a certain telephone terminal to direct the media signals of a call session from the plurality of call session other than the selected call session (Figure 4, page 120 column 2 lines 15-26, page 121 column 1 lines 38-44) referenced by using H.323 signaling to establish N-way conferencing to direct media signals of another call session to the selected call session. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use H.323 as the signaling between media gateways of the calling system of Ford to establish call connections using ISDN features.

Allowable Subject Matter

9. Claims 46-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 31 is allowed.

Citation of Prior Art

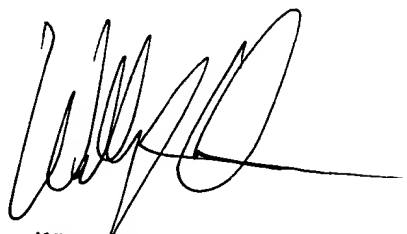
1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pub. No. US2003/0081590A1, Maroulis et al. discloses a technique for providing telephonic communications over the Internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Shew whose telephone number is 703-305-8708. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

js



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600